

Application Number 09/938,144

Responsive to Final Office Action mailed September 11, 2006

DEC 11 2006

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

Claim 1 (Currently Amended): A device comprising:

a data disc rotatably mounted on a baseplate;
a printed circuit board (PCB) fastened to the baseplate having a servo controller; and
a central processing unit (CPU) mounted to the PCB running an operating system,
wherein the data disc stores an application program run by the operating system.

Claim 2 (Previously presented): The device of claim 1 wherein the device is connected to a communications network, further comprising:

an input/output module communicating to a node connected to the communications network.

Claim 3 (Previously presented): The device of claim 2 wherein the input/output module includes a network interface module operable to communicate to a node on the network using a hypertext transport protocol.

Claim 4 (Currently Amended): The device of claim 2 [[3]] wherein the input/output module ~~further~~ includes a video interface module operable to drive a video monitor via the communications network.

Claim 5 (Currently Amended): The device of claim 1 [[4]] wherein the device is no larger than a three and one half inch form factor disc drive assembly.

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Claim 6 (Currently Amended): The device of claim 1 [[5]] further comprising a file system managing file data stored on the data disc, wherein the file system is in direct communication with the servo controller.

Claims 7-15 (Canceled).

Claim 16 (Currently Amended): A device comprising:
a printed circuit board (PCB);
a central processing unit (CPU) mounted on the PCB and running an operating system;
and
a memory mounted on the PCB storing an application program, wherein the application program is run by the operating system running in the CPU, wherein the memory is selected from a group consisting of:
electronically erasable programmable read-only memory (EEPROM), and
flash memory.

Claim 17 (Previously presented): The device according to claim 16 wherein the memory stores both the operating system and the application program for use by the CPU.

Claim 18 (Currently Amended): An intelligent storage element comprising:
a case forming a substantially sealed environment;
a data disc mounted within the case;
a central processing unit mounted within the case; and
a memory mounted within the case, wherein the memory stores an operating system, and the central processing unit runs the operating system,
wherein the operating system runs application software stored on the data disc.

Claim 19 (Previously presented): The intelligent storage element of claim 18, wherein the data disc is a magnetic data storage media.

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Claim 20 (Previously presented): The intelligent storage element of claim 18, further comprising a network interface module, wherein the network interface module allows the intelligent storage element to communicate across a network.

Claim 21 (Previously presented): The intelligent storage element of claim 20, wherein the network is a local area network.

Claim 22 (Previously presented): The intelligent storage element of claim 18, wherein the case comprises a base and a top cover.

Claim 23 (Canceled).

Claim 24 (Previously presented): The intelligent storage element of claim 18, wherein the memory is random access memory.

Claim 25 (Previously presented): The device of claim 1, further comprising:
a head that reads data from the data disc to produce a signal; and
a channel mounted to the PCB, wherein the channel receives the signal from the head.

Claim 26 (Previously presented): The device of claim 1, wherein the CPU generates control signals to the servo controller.

Claim 27 (Cancelled).

Claim 28 (Currently Amended): The device of claim 16, wherein the operating system is an open-source ~~Linux~~ operating system.

Claim 29 (New): The device of claim 18, wherein the device is no larger than a three and one half inch form factor disc drive assembly.

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Claim 30 (New): The device of claim 1, further comprising a memory mounted on the PCB wherein the memory is selected from a group consisting of:

electronically erasable programmable read-only memory (EEPROM), and
flash memory

Claim 31 (New): The device of claim 1, wherein the application program is selected from a group consisting of:

a spreadsheet program;
a word processor program; and
an accounting program.

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INTERVIEW SUMMARY

Applicant thanks the Examiner, Ilwoo Park and his supervisor, Kim Huynh, for taking the time to discuss the Applicant's objections to the finality of the Office Action dated September 11, 2006 with Applicant's representative, Daniel Lund, during the week of November 6, 2006. Specifically, Applicant objected to the finality of the Office Action because the amendment submitted June 29, 2006 did not further limit the scope of claims 1 and 18 in any way, that the amendment could not have necessitated the new grounds of rejection of claims 1 and 18 as required for a proper Final Office Action. The Examiner and his Supervisor both stated that because the amendment submitted June 29, 2006 changed the scope of the claims, the Office Action dated September 11, 2006 was properly final. The current claims were not substantively discussed during these discussions.

In response to the discussions, Applicant submitted a Petition to Rescind the Finality of the Office Action on November 13, 2006 invoking the supervisory authority of the Director of the USPTO under CFR §1.181. However, this petition was not reviewed by the Technology Center Director as specified by MPEP 1002.02(c), but was responded to by the Examiner via an advisory action dated November 20, 2006. In a subsequent discussion with Kim Huynh, Applicant's representative was informed that the advisory action dated November 20, 2006 was proper procedure given that CFR §1.181(c) states that, "may be required that there have been a proper request for reconsideration [CFR § 1.111] and a repeated action by the examiner." However, Applicant disagrees that the Petition to Rescind the Finality of the Office Action dated November 13, 2006 should properly have been reviewed by the Examiner because MPEP 1002.02(c) dictates that such a petition is to be decided by the Technology Center Director. While CFR §1.181(c) is permissive, i.e., "it may be required . . .," MPEP 1002.02(c) is explicit in requiring that such a petition is to be decided by the Technology Center Director.

Nonetheless, Applicant submits a new Petition to Rescind the Finality of the Office Action to appeal the advisory action dated November 20, 2006, which upheld the finality of the Office Action dated September 11, 2006 in parallel with this Amendment. Under any interpretation of CFR §1.181 and MPEP 1002.02(c), the presently filed the Petition to Rescind the Finality of the Office Action is to be decided by the Technology Center Director.